

# RECORD OF ORDINANCES

Ordinance No. 03-190 2023 Passed 3-7- 2023

**DETERMINING THAT THE ESTABLISHMENT OF THE CIRCLEVILLE NEW COMMUNITY AUTHORITY WILL BE CONDUCIVE TO THE PUBLIC SAFETY, CONVENIENCE, AND WELFARE AND IS INTENDED TO RESULT IN THE DEVELOPMENT OF A NEW COMMUNITY AND DECLARING THE NEW COMMUNITY AUTHORITY TO BE ORGANIZED AND A BODY POLITIC AND CORPORATE, DEFINING THE BOUNDARY OF THE NEW COMMUNITY DISTRICT AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Circleville, in its capacity as a “developer” within the meaning of Section 349.01(E) of the Ohio Revised Code (the “City”) plans to establish a new community development program for the purposes of encouraging and supporting well-balanced and diversified land use patterns within the territory of the City, including facilities for the conduct of industrial, commercial, residential, cultural, educational, and recreational activities, all as described in Revised Code Chapter 349; and

**WHEREAS**, on January 13, 2023, the City submitted to the Council of the City (“Council”), pursuant to Revised Code Section 349.03, a Petition for Establishment of the Circleville New Community Authority under Chapter 349 of the Ohio Revised Code (the “Petition”), a copy of which Petition is on file with the Clerk of Council; and

**WHEREAS**, the Circleville New Community Authority is located entirely within the municipal corporate boundaries of the City, a municipal corporation, and this Council, as the legislative authority of the City, is therefore the organizational board of commissioners for the Circleville New Community Authority; and

**WHEREAS**, on January 17, 2023, pursuant to Revised Code Section 349.03, this Council adopted its Ordinance No. 01-08-2023, which ordinance determined that the Petition is sufficient and complies with the requirements of Revised Code Section 349.03 in form and substance; and

**WHEREAS**, pursuant to Revised Code Section 349.03, this Council held a public hearing on the Petition on February 21, 2023, notice of which was published as required in Revised Code Section 349.03, and the date of which hearing is not more than thirty nor more than forty-five days after the filing date of the Petition; and

**WHEREAS**, this Council has determined that the Petition will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Circleville that:

**SECTION I. Approval of Petition.** The Petition is hereby accepted and shall be recorded, along with this Ordinance, in the journal of this Council as the organizational board of commissioners for the purpose of Revised Code Chapter 349. Council hereby determines that the Circleville New Community Authority will be conducive to the public health, safety, convenience, and welfare, and is intended to result in the development of a new community as defined in Revised Code Section 349.01(A). Pursuant to the Petition, the Circleville New Community Authority is hereby organized as a body politic and corporate with the corporate name designated in the Petition (such name being the “Circleville New Community Authority”), and the boundaries of the Circleville New Community District are consistent with the boundaries described in the Petition.

**SECTION II. Board of Trustees of Circleville New Community Authority.** The Board of Trustees of the Circleville New Community Authority shall be comprised of the Council President, the three At-Large members of Council, the four Ward members of Council and the City Auditor. Pursuant to Revised Code Section 349.04, there shall be posted for each member of the Board of Trustees a bond in the amount of \$10,000 for the faithful performance of his or her duties. The bond shall be with a company authorized to conduct business within the State of Ohio as a surety and shall be deposited with and preserved by the Clerk of Council.

# RECORD OF ORDINANCES

Ordinance No. 03-19- 2023 Passed 3-7- 23, 20 23

**SECTION III. Open Meetings.** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Revised Code Section 121.22.

**SECTION IV. Effective Date.** This ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Circleville. The basis of the emergency is the need to timely approve the petition establishing the Circleville New Community Authority and find the same to be conducive to the public safety, convenience and welfare so that such body may facilitate necessary services and infrastructure in connection with proposed and pending developments within the city. Therefore, this ordinance shall take effect and be enforced immediately from and after its passage and approval by the Mayor.

PASSED: 3-7-2023  
DATE

Barry D. Kelle  
PRESIDENT OF COUNCIL

ATTEST: Linda M. Gray  
CLERK OF COUNCIL

APPROVED: 3/7/23  
DATE

Alexander R. Kelly  
MAYOR

APPROVED AS FORM:

Gary D. Kenworthy  
GARY D. KENWORTHY - LAW DIRECTOR

REVIEWED BY LAW DIRECTOR  
AND APPROVED AS TO FORM

## CERTIFICATE

The undersigned, Clerk of the Council of the City of Circleville, Ohio, hereby certifies that the foregoing is a true and correct copy of Ordinance Number 03-19-2023, passed by the Council of the City of Circleville, Ohio on the 7<sup>th</sup> day of March, 2023. 03-19-2023

Linda M. Gray  
Clerk of Council